IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1345 of 2005

Between:

A. Markandeyulu, S/o. Suryanarayana, Social Worker,
R/o. Old Guntur, Guntur District.

..... PETITIONER

AND

1 The Government of A.P., rep. by Secretary, Dept of Electricity

(Power) Secretariat, Hyderabad.
2 The Commissioner, Guntur Municipal Corporation, Guntur District.
3 The Chairman-cum-Managing Director, Southern Power Distribution

Company Ltd., (APSPDCL),Tirupathi, Chittoor District.
4 The Chairmman-cum Managing Director, A.P. Transco, Vidyuth

Soudha, Hyderabad.
5 The Superintending Engineer, Operation Circle, APSPDCL., Guntur

District.
6 M. Rajeswar Rao,
S.E., Operations Circle, Guntur, Now Chief Engineer APSPDCL.,
Tirupathi, Chittoor District.
7 S.K. Subani, S/o. Buday Saheb,
Ponnur Road, Guntur District.
8 Magam Surendra Babu,
R/o. Beside Cotton Association Hall, Laxmipuram Main Road, Guntur

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the inaction of the Respondents No.1 to 5 in not taking any action against the Respondent Nos. 6 to 8 and not preventing unauthorised occupation and alienation of the land in D.No.1172/A, 1173/B which belongs to APSEB property, situated in Ponnur Road Municipal Corporation, Guntur as arbitrary, illegal, against the principles of natural justice and violative of fundamental rights of the Constitution of India and consequently direct the Respondents No.1 to 5 to take appropriate action against the Respondents 6 to 8 for illegal occupation of the land in D.No.1172/A, 1173/B of APSEB property situated in Ponnur road Municipal Corporation, Guntur, and demolish the unauthorised construction made in the property.

Counsel for the Petitioner: MR.CHALLA SRINIVASA REDDY

Counsel for the Respondent No.1: G.P. for Energy

Counsel for the Respondent No.2: T.S.Venkata Ramana

Counsel for the Respondent Nos.3 to 6: Mr.V.Ajay Kumar

Counsel for the Respondent Nos.7 and 8: None appeared

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

There is absolutely no public interest in filing such like petitions even on the basis of the representation, which the petitioner is stated to have addressed to the Commissioner, Guntur Municipal Corporation, Guntur. Representation is dated 8-12-2004 in which petitioner informed the Commissioner that property in question belongs to APSEB situate at Guntur-Ponnur Road but was being occupied by S.K.Subhani and Maggam Surendra Babu. They were constructing buildings and were trying to sell away the same to others. Petitioner further states that he visited the land and made enquiry about the property and the rights of the said persons, who were raising constructions. In turn S.K.Subhani and Maggam Surrendra Babu informed him that they have full rights over the property and it was handedover to them by the electricity Superintending Engineer Sri Mallepeddi Rajeswara Rao. Petitioner further states that he made further enquiry and found that the land has been in possession of the APSEB authorities. Thus petitioner seeks directions against the respondents to take steps to restore the property to Government.

No other document is appended to the petition except the aforementioned representation. Petitioner does not claim that he had verified the title of the persons who are alleged to be raising construction or are alleged to be in possession of the property. Filing of such petition is nothing but totally abuse of process of law as remarked above. The petition filed is not in public interest. We dismiss the same with

costs quantified at Rs.10,000/- (Rupees ten thousands only). The costs on recovery will be deposited with the A.P. State Legal Services Authority, Hyderabad.

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DEVINDER GUPTA,CJ

9-2-2005

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B.SESHASAYANA REDDY, J

Tvr

To

1. The Secretary, Government of A.P., rep. by Secretary, Dept of Electricity (Power) Secretariat, Hyderabad.

2. The Commissioner, Guntur Municipal Corporation, Guntur District.

3. The Chairman-cum-Managing Director, Southern Power Distribution

Company Ltd., (APSPDCL),Tirupathi, Chittoor District.

4 The Chairmman-cum Managing Director, A.P. Transco, Vidyuth

Soudha, Hyderabad.

5 The Superintending Engineer, Operation Circle, APSPDCL., Guntur

District.

6 2 CCs to the Govt. Pleader for Energy, High Court Buildings,

Hyderabad (OUT).

7 2 CD copies.